LAW LIBRARY JOURNAL

Vol. XVII. October, 1924 No. 3

Published in conjunction with the Index to Legal Periodicals, Vol. XVII. No. 3, October, '24

Published Quarterly by
The American Association of Law Libraries

SARATOGA SPRINGS MEETING

MINUTES

The Nineteenth Annual Meeting of the American Association of Law Libraries was held at "The Casino," Saratoga Springs, New York, from July 1st to 3rd, 1924. President Andrew H. Mettee, of the Library Company of the Baltimore Bar, Baltimore, Maryland, presided during the session.

Miss Anna M. Ryan was appointed Secretary pro tem.

The address of welcome was given by the Honorable Clarence H. Knapp, Mayor of Saratoga Springs.

Mrs. Margaret C. Klingelsmith, Librarian of the Biddle Law Library, University of Pennsylvania, Philadelphia, Pa., responded.

The President then made his address to the Association.

Mr. John T. Fitzpatrick read his paper on "Procedural Codes of the State of New York."

Dr. G. E. Wire presented his paper on "Shelf Arrangement of State Reports."

A memorial of Mrs. Mary C. Spencer, State Librarian of Michigan, prepared by Miss Olive C. Lathrop, was read by Miss Lathrop.

A paper on "Parliamentary Law in Jurisprudence," written by Mr. Lehr Fess, Clerk at the Speaker's Table, Washington, D. C., was read by Mr. Luther E. Hewitt.

Mr. John D. Cowley's paper entitled "Ecclesiastical Law Books in a Law Library" was read by Mr. A. S. McDaniel. Mr. Cowley is the Assistant Librarian of the Middle Temple Library of London, England.

It was moved and seconded that the paper entitled "United States Public Documents as Law Books" be printed and fifty (50) copies be given to Mr. Clarence A. Miller. Carried.

It was moved and seconded that Mr. Edwin M. Borchard be continued as Chairman of the Committee on Classification of Roman and Civil Law Books. Carried.

It was moved and seconded that a committee be appointed to investigate and suggest to law book dealers and cataloguers that a sufficient description of various law items be given. Carried.

Mr. Godard was appointed as Chairman with a Committee of three, the Chairman having power to increase the number from three to the number desired.

Motion was made and seconded that all members of the American Association of Law Libraries be included in the list printed in the Standard Legal Directory. Carried. It was suggested that a footnote be made explaining the bold face type in the Standard Legal Directory.

Motion was made and seconded that Mr. Ralph Wilkin be continued chairman of Committee of three to co-operate with Mr. Smith as to Law Book Publications, Law Book Publishers and Law Book Sellers. Carried.

The Treasurer presented his Annual Report and, on motion, this report was referred to the Auditing Committee.

Motion was made and seconded to appoint an auditing committee of three. Carried.

The following auditing committee was appointed:

Mr. Con P. Cronin
Mr. W. J. Millard
Mr. Ralph H. Wilkin

Mr. Godard presented the Annual Report of the Committee on the Index to Legal Periodicals and Law Library Journal, which report was, on motion, duly carried, approved and ordered on file.

A resolution was adopted retaining control of the Index and Journal in the present Committee.

Motion was made and seconded that the funds now in the Treasury be segregated into one fund for dues and the other for expense of the Index to Legal Periodicals. Motion carried.

The following resolution was offered by Mr. Hewitt:

WHEREAS the Law Library Journal and Index has been rescued by the publication committee from the financial difficulties which attended it from the day of its initial number until recently,

AND WHEREAS the able and devoted efforts of the publication committee have carried the journal and index on through some sixteen years of doubt and struggle for continuance of existence until success appears to have been attained.

RESOLVED by the American Association of Law Libraries that the hearty thanks of the Association be tendered to the publication committee, to Mr. Franklin O. Poole, Chairman, to Mr. George S. Godard, to Mr. E. A. Feazel, to Miss Gertrude E. Woodard and to Mr. Sumner Y. Wheeler, Treasurer, for their work as publication committee.

Resolved that the Secretary is hereby requested to communicate the Resolution to the members of the said Committee.

Motion was made and seconded that the resolution offered by Mr. Hewitt be adopted. Carried.

Motion was made and seconded that the Law Library Journal and Index to Legal Periodicals be published as one publication. Carried.

Moved to adjourn to 9:30 Thursday morning.

It was moved and seconded that the Chair appoint a committee to communicate with the proper authorities to make the advance sheets of the Court of Claims, the Attorney General, etc., available to Law Libraries. Carried.

The following committee was appointed

Mr. H. L. Stebbins
Dr. G. E. Wire
Mr. G. N. Cheney

Mr. Small's report as Chairman of the Committee on New Members was adopted.

It was moved and seconded that Mr. Glasier's Committee on "Laws on Printing, Publishing and Care of Public Records and Documents" be continued next year. Carried.

It was moved and seconded that the present committee on "Statute Indexing" be continued. Carried.

It was moved and seconded that the bills of the American Association of Law Libraries for dues for affiliated National Societies, amounting to $16.00 for the year 1923 and for the year 1924 be paid. Carried.

On motion, duly seconded, it was:

RESOLVED that Section I of the By-Laws be amended to read as follows:

"Section I. The annual dues of regular and associate members, except library assistants, shall be $3.00, and each member shall receive the Law Library Journal as a part of said membership. The year for dues shall begin on July 1st in each and every year.

"In billing annual dues to regular and associate members, except library assistants, the Treasurer shall, however, send a bill making it optional with the member whether he shall pay $3.00 or $5.00 for the year.

"The dues of library assistants shall be $2.00 per year."

Motion was made and seconded that all papers on the program be printed in the Law Library Journal within six months after this meeting. Carried.

RESOLVED, that these proceedings be numbered Volume 18. Mr. Hewitt moved that this matter be left to the Committee. Carried.

It was resolved that the Executive Committee and the Committee on the Index confer about matters financial and otherwise. Carried.

The following officers were elected for the year 1924-25

Mr. Sumner Y. Wheeler, Salem, Massachusetts, President
Mr. Ralph H. Wilkin, Springfield, Illinois, 1st Vice President
Miss Olive C. Lathrop, Detroit, Michigan, 2nd Vice President
*Miss Mary S. Foote, Urbana, Illinois, Secretary and Treasurer.

* Died, September 30, 1924.

Executive Committee

Mr. Andrew H. Mettee, Ex-Officio, Baltimore, Maryland
Mr. John T. Fitzpatrick, Albany, N. Y.
Mr. Con P. Cronin, Phoenix, Arizona
Mr. W. J. Millard, Olympia, Washington

It was moved and seconded that the Secretary-Treasurer have one vote on the Executive Committee except in case of a tie. Carried. It was suggested that the Association pay a certain amount to the Secretary-Treasurer for her work. This was referred to the Executive Committee with power to act.

Moved to adjourn until 2:30 o'clock.

Next Session continued at 2:30 o'clock.

A motion was made and seconded to appoint a committee of three on exchange of duplicates. Carried.

A motion was made and seconded to appoint a committee to investigate exchange of Bar Association reports. Carried. The above motion was amended to read "To investigate and make improvements in the matter." Seconded and carried.

Mr. Redstone announced that Professor James of Harvard University had extended an invitation to the American Association of Law Libraries to meet at Harvard if the Law Library Association considered meeting in the East. This was referred to the Executive committee with power to act.

A Resolution of thanks was given to President Andrew H. Mettee and to the Treasurer, Mr. Sumner Y. Wheeler.

The Association then adjourned for the year.

ANNA M. RYAN,
Secretary Pro Tem.

MEMBERS IN ATTENDANCE AT SARATOGA SPRINGS CONVENTION

Andrew Hartman Mettee, Library Company of the Baltimore Bar, Baltimore, Md.
Margaret Center Klingelsmith, Biddle Law Library, University of Pennsylvania, Philadelphia, Pa.
Olive C. Lathrop, Librarian, Detroit Bar Association Library, Detroit, Mich.
H. J. Conant, Vermont State Library, Montpelier, Vt.
Chas. F. Ebel, Minnesota State Library, St. Paul, Minn.
Gilson G. Glasier, Wisconsin State Library, Madison, Wis.
Ernest A. Feazel, Cleveland Law Library, Cleveland, Ohio.
Josephine Norval, Minnesota State Library, St. Paul, Minn.
Mrs. H. D. King, Mississippi State Library, Jackson, Miss.
Geo. S. Godard, Connecticut State Librarian, Hartford, Conn.
Luther E. Hewitt, Law Association of Philadelphia, Philadelphia, Pa.
Mary Selina Foote, Law Librarian, University of Illinois, Urbana, Ill.
Anna M. Ryan, Buffalo Law Library, Buffalo, N. Y.
Helen S. Moylan, Law Library, State University of Iowa, Iowa City, Ia.
Burdette J. Smith, Chicago, Ill.

John T. Fitzpatrick, State Law Library, Albany, N. Y.
Flo La Chapelle, Wyoming State Library, Cheyenne, Wyo.
Dr. G. E. Wire, Worcester Co. Law Library, Worcester, Mass.
Sumner Y. Wheeler, Essex Co. Law Library, Salem, Mass.
George N. Cheney, Court of Appeals Law Library, Syracuse, N. Y.
W. J. Millard, Washington State Law Library, Olympia, Wash.
Con P. Cronin, Arizona State Library, Phoenix, Ariz.
A. J. Small, State Law Library, Des Moines, Iowa.
Jessie A. Hoover, Akron Law Library, Akron, Ohio.
Arthur S. McDaniel, Association of the Bar of the City of New York, New York, N. Y.
Eldon R. James, Harvard Law Library, Cambridge, Mass.
Howard L. Stebbins, Social Law Library, Boston, Mass.
N. Louise Ruckteshler, David L. Follett Memorial Law Library, Norwich, N. Y.
C. Eveleen Hathaway, State Library, Albany, N. Y.
R. H. Wilkin, Supreme Court Library, Springfield, Ill.

ADDRESS OF WELCOME

HON. CLARENCE H. KNAPP, MAYOR OF SARATOGA SPRINGS.

Members of the American Law Library Association:—When I received a letter from your President a little over a month ago asking me to deliver an address to your association, I felt a trifle awed. I said, "Here is a chance to make an address which will probably live." I reckoned that it demanded research, study, and deep thought. I thought, "Why not talk to them about their work," and it came to me in a mental flash that I know nothing about it. Then I happened to read the remainder of Mr. Mettee's letter, which said the address must be brief. Now my favorite type of address is a brief one and I therefore promise to be brief.

We feel greatly honored to welcome the mental stimulus of this convention. We feel that Saratoga is, for the same, an ideal place. We are proud of our city. We feel that Saratoga needs no boasting or boosting to place it on the map as a convention city. Over two centuries ago the first 100 per cent Americans met here annually to drink the waters and talk over the latest methods of taking scalps, but we need have no fear of that now.

I can only say that the key of the city is yours and the freedom of the city is yours. We hope you may find inspiration in your work in Saratoga and, speaking for the Council and citizens of the city, hope you will come again.

RESPONSE TO ADDRESS OF WELCOME

MRS. MARGARET C. KLINGELSMITH.

This is my first experience in such a capacity and when Mr. Mettee asked me, I at first smiled at the idea, but then I thought since he has asked a woman, I should accept. I am sure if his Honor the Mayor, had known that I was to reply to his address, he would not have been so much alarmed.

There are so many of us here that it must be hard to have a welcome for all, but since we here are a small number, we will believe that he is glad to welcome us collectively and individually. This is not the first time we have been within the gates of Saratoga. We were here some six years ago and some of us passed the Fourth of July on that battlefield where the decisive victory was won that made America free, not for herself but for all the world.

Saratoga stood then for victory; she has since stood for health and beauty, and today she extends a hospitality for which we thank her with all our hearts.

PRESIDENT'S ADDRESS

AUTHORITY INVESTED STIMULATES THE USUFRUCT

ANDREW H. METTEE, LIBRARIAN, LIBRARY COMPANY OF THE BALTIMORE BAR, BALTIMORE, MD.

Again assembled, the nineteenth time, to confer upon problems which interest the legal side of human activities, we must feel elated that we have at least aroused some of the sleeping but valuable talents of the legal fraternity and have caused some of the best minds to see and use their resources for the betterment of conditions. Not so much to the extent that should be expected but of a kind and quality that lends to a happy reflection of a good work well launched.

I have previously thought it my duty to speak to you on the offices of the law librarian, pointing out to you that the law librarian is a part and a parcel of the legal profession, and that while it is his bestowed duty to use care in the collecting and preserving of law books that there is even something more vital to his legal brother in his offices as such which is found intricately interwoven with his services,—in his training and in his power to produce through the proper tool, well recognized by him through experience, another working tool applicable to the solution of a given phase in legal jurisprudence.

But so far so good, the fear is not expressed that we tread a beaten path but rather a regret is felt that we are influenced to lend ourselves to follow courses pursued in legal research by others with singular authority. For the most part we must liken ourselves to the position in which the Roman Jurists found themselves. Goudy speaks of these Jurists in his *Trichotomy of Roman Law* (p. 77) that, "They were in fact in these matters the children of their age, and were unable to emancipate themselves from the traditional influences of their predecessors and the schools of philosophy." And whether the traditional figure *3* held them spellbound in their arrangements of headings or divisions of legal topics from sheer habit, or because that method of treatment made it more convenient to retain the skeleton of the legal fabric in one's mind, it is not to be denied that although it may be apparent that some divisions or sub-divisions in the body of their law could have been differently treated, when we adjust our modern eyeglasses to those ancient law books, nevertheless there is something awe-inspiring and which at the same time is indescribable, in their legal outlay which deserves a more serious study to discover that which has entranced the learned of the ages

and thus to establish a formula for a new arrangement of the law,—call it by what name one pleases whether Restatement, Indexing, Standardizing, Subject-Indexing, or what not, that we may have a true fixness of the law. The skeleton of laws governing any people must necessarily be so arranged that a formula or a group of formulae can be used to find the law on correlated subjects else chaos will prevail.

But to talk utopian makes one feverish, nevertheless it must be admitted that within the last two decades, with all the tools which have been invented for finding the law, and to facilitate matters, there is a confusion of the essence of the fundamental principles governing human activities, and there remains to be accomplished the manufacture of that much needed and profitable accessory in our labors—cross reference citation of cases and of subject matter.

It is easy to laud and to flatter, in general: but it is extremely difficult and perplexing to point out deficiencies and to rectify departures from set principles. It was John Stuart Mill who spoke of the Despotism of Custom in these words,—"Human nature is not a machine to be built after a model, and set to do exactly the work prescribed for it, but a tree, which requires to grow and develop itself on all sides, according to the tendency of the inward forces which make it a living thing. It will probably be conceded that it is desirable people should exercise their understandings, and that, an intelligent following of custom, or even occasionally an intelligent deviation from custom, is better than a blind and simply mechanical adhesion to it." (26 *Book of Literature, p.* 160). There have been trees of the law elaborately constructed, and most probably conscienciously published, but is it not true that these stalwart giants of the forest have grown to profuseness and outfitted themselves to the landscape gardener's designs? Again Mr. Mill speaks with inspiring and encouraging words,—"It will not be denied by anybody that originality is a valuable element in human affairs. There is always need of persons not only to discover new truths and point out when what were once truths are true no longer, but also to commence new practices, and set the example of more enlightened conduct, and better taste and sense in human life." The elaboration in classification of headings and the interspersing of numerous cross-references, glorious and desirable as they are under some well defined circumstances, still leaves unaccomplished a standardized usable form for finding and refinding the law. The law librarian may lament and the attorney may frenzy, but time and money are needed and more vital than either is the lack of authority to initiate new methods which must sooner or later be admitted to be potent. And why should the law librarian bear the burden of the entire legal profession in this when we think of the beneficiaries of improved methods?

In the Fourth Report of the *Proceedings* of the Library Association of the United Kingdom (1881), p. 23, we read this concrete statement,—"There are, indeed, no subjects that call for and the same lend themselves so much to bibliographical treatment as professional studies, for they are studies by which money is earned, and in which, therefore, there is every inducement to economy of time and labour."

The percentage of those inclined to devote their time and capabilities to such a project is small, and the reward for such valuable services to the public

is not promising nor appreciable, but like most great projects, much tact and work must be employed before any promising return may be realized.

Our late jurist and historian, Sir Fitzjames Stephen, conspicuous by labors in legal jurisprudence, stands forth as an ideal representative of the type of man mostly desired for such tasks, for he must have had an exceptionally keen sense of what was the worth of the labors of the law librarian.

He, as an able writer, who knew how to use books to an exact purpose, is therefore worthy of commendation to the legal profession for the text matter, but we as law librarians must see the general outline of the form of the law that he presented the profession and profit from his thoughts and acts.

A casual perusal of the preface to his History of the Criminal Law will show the far reaching grasp of his mind and perception of what is needed preparatory to any great work being launched. His history was made into a new and useful tool in order to create another one more classic and serviceable.

Sir Fitzjames Stephen was a man of our hearts, and we are glad to have men of such stout character who are deserving of quotation. He deplored the elimination of law books but advocated that "Nothing but the rearrangement and condensation of the vast masses of matter contained in our Law Libraries is required in order to add to human knowledge what would practically be a new department of the highest and most practical interest." The problem of law reforms, considered in the widest and most permanent sense, he asserts, is essentially a literary one. (Conference of Librarians, *Proceedings,* London, 1877, p. 37).

We have a Committee on Skeleton Index for Legislation (Standardizing) and Indexing of Legislation (Usable Form). What a boon to the legal profession and a service to the public, in general, would become the consummation of their endeavors.

A book of synonymous legal words used in the various statutory law books and pointing out which particular word is preferable for universal adoption would find itself in most every law library and law office. And the method of treatment adopted thereby as to the statutory law possibly could be usable in a like book relating to the reports of decisions,—when once well-started on the way much may be evolved for it is conjectured that words more inclusive and appropriate might be made use of to convey the desired effect.

The situation is much like that at the time of the invention of printing. No great thought is bestowed, today, on the invention itself, nor in fact on the improvements thereof. The event has become absorbed into the world's affairs, and we are ready for new toys.

But with willing spirits to experiment and to exchange ideas a workable theme may be produced, and "when times are ripe for inventions, they are apt to spring into existence in several places at once, for they are the outcome of the maturing of human thought, expressed, it may be by one individual, it may be by several, but produced and accepted because the moment of their birth has arrived and the world has need of them." (5 *Library Chronicle* (1888) p. 30).

There must be both an objective and a subjective interest *in esse* to make the project a fruitful gist. In other words a hand reaping of the grain.

It is well for this Association to cheerfully enter upon the labors of the undertaking, but the compensation to be derived in the accomplishment will only be negligible unless the area of our operations is broadened and the cooperation of the American Bar—the beneficiary—is sought, and the proper authority invested. For it must be borne in mind that the guiding mind must of necessity be one well trained in legal literature that there may be poise.

"Scholars are those who have read in books; but thinkers, geniuses, enlighteners of the world, and benefactors of the human race are those who have directly read in the book of the world." (Schopenhauer's *Essays—Thinking for Oneself.*)

And it is only human instinct that has taught us to believe that if the best element at the American Bar can be persuaded to engage in our enterprises that they will look well to their investment.

The program contains papers of especial interest and concern to the average law librarian, but the pioneering by way of a new treatment of an old but neglected field of jurisprudence leaves, in the nature of human foresight, some elements which will not be touched upon at this time.

Ecclesiastical Law has been the romp of the specialists but recently it has been noticeable that the general practitioner is more frequently called into council in the controversies of the churchmen, but there are certain phases of the practice of law, regulated by that branch of the law, and which govern the rules of procedure in equity, about which we are more especially concerned. May we be benefited in sitting in at the round table with the Assistant Librarian of the Middle Temple Library and learn something from a custodian of that ancient institution.

Then, too, the philosopher has rejoiced that society has overcome the individualism and the bloc or group, and courts have compelled the exhaustion of remedies in inferior tribunals to the better safeguarding of the stability and happiness of mankind, and we now notice in a paper by a parliamentarian, some of the materials of reference and of importance together with some observations upon the sanctioned rules of conduct made necessary in vouchsafing to the minority a voice in human affairs as cognizable in courts of justice.

And while our attention has been attracted to these matters, and the subjects previously discussed, our nineteen years of conferences will not by any means have circumscribed the scope of our future work.

We have not touched upon International Law, Public or Private; nor upon that branch of Practice more particularly classified as Evidence and its subdivisions; nor have we succeeded in having brought before us a paper on Criminology and the analogous topics. But that opportunity will aid us in reaping the benefits to be derived from these suggestions, we may be confident.

[The papers by Mr. Lehr Fess, Clerk at the Speaker's Table, House of Representatives, Washington, D.C., entitled "Parliamentary Law in Jurisprudence," by Mr. John D. Cowley, Assistant Librarian, Middle Temple Library, London, England, entitled "Ecclesiastical Law Books in a Law Library," and by Mr. Clarence E. Miller, Attorney-at-Law, Washington, D.C., entitled "United States Public Documents as Law Books," will appear in a later issue of the *Journal.*]

PROCEDURAL CODES OF THE STATE OF NEW YORK

JOHN T. FITZPATRICK, LAW LIBRARIAN, NEW YORK STATE LIBRARY

PRACTICE BEFORE THE CODES

By the first Constitution of New York state, that of 1777, political and religious liberty were expressly secured to the people. But by the same instrument the technicalities of the common law, and of the British and colonial statutory pleading and practice were expressly refastened upon them. The convention which adopted this Constitution also continued the colonial Supreme Court and the Court of Chancery, not by reestablishing these courts, but merely by reference to them and their judges, and without any ado perpetuated their cumbrous machinery. All of the other states in one way or another continued the former common law and statutory pleading and practice and the infant republic started on its legal procedural way in the intricate maze of ruts it had adopted, not inherited, from its monarchial forbear.

A short statement of the situation will suffice. The practice in the Anglo-Saxon courts and in the courts established by the Normans was primitive in its simplicity. Let us illustrate by pleadings. These were virtually unknown in the former and short and direct in the latter, being oral down to the middle of the fourteenth century; not as complicated, indeed, as in the court of the modern justice of the peace. But through the observance of technical minutiae, at first designed to effect perfect justice, but in time used by the astute to circumvent justice, the functioning of the courts became a game or contest of skill between attorneys with the merits of the action subordinated. When the oral method was superseded the written forms followed the same forms that had been formerly used. These became set forms and all actions were made to conform to these if possible. If this could not be done a form was devised, called a writ upon the case, by use of an analogous writ. Where an analogous writ could not be used the court of chancery, not admitting itself to be bound by forms, took jurisdiction. The fixed forms could not of course take care of all rights of action that arose, and the business of the chancery courts increased enormously. For each of the fixed forms there developed a set of rules, the result of the narrow constructions put upon them by the courts. These constructions, requiring the proof to correspond to the allegations in a most literal sense, forced the pleaders to repetitions and use of different counts to state the same case in different ways, and the pleadings became a mass of verbiage. The court of chancery gradually restricted itself to certain formulae, and it became difficult oftentimes to know whether a case belonged in a court of law or equity. Causes were often sent from one court to another, counsel not being sure in which court to bring the suit until the court rendered a decision, this often after a protracted and expensive appeal to the court of last resort. There were instances even where a meritorious cause of action failed because neither a court of law nor of equity would take jurisdiction.

The assault upon the ancient practice began in the first year of statehood. An act passed at the first session of the Legislature, March 16, 1778, (ch. 12) regulated the jurisdiction, powers, and terms of the courts, and the return of process.

This reform continued steadily until it culminated in the abolition of courts of chancery and provision for appointment of commissioners to revise and simplify practice and pleadings by the Constitution of 1846 and the enactment of the Code of Procedure in 1848. It is startling to note the many forms of practice, often obsolete for centuries, the product of feudalism, that had never been formally abolished. In this state trial by battle was done away with by legislative enactment in 1786, wager of law in 1787, and attaints upon untrue verdicts of jurors in 1801.

The reforms were necessarily of limited scope and fragmentary, for the first Constitution prohibited the Legislature from instituting any new court "but such as shall proceed according to the course of the common law." Special topics only were touched upon, such as limitation of actions, references, costs, abatement of actions upon death of parties, fees and certain special proceedings. Few of these affected the chief evils, and that sparingly, of practice, the prolixity of pleadings, the delays and the expense of actions. From 1777 to 1800 there were seventy-eight such statutes; in 1801, thirty-seven; from 1802 to 1812, thirty-three; in 1813, twenty-six; from 1814 to 1827, forty-seven. In 1801 and 1813 there were revisions adopted which accounts for the number in those years.

In 1827 and 1828 the Revised Statutes were adopted. It must be remembered that these were the first real revision of statutes in any jurisdiction under the English common law, former so-called revisions having been mere complications of extant statutes. The revisers supplied defects and deficiencies as they found them in the work of the legislatures, the filling material usually consisting of a writing in of the common-law provisions or suggestions in court decisions. Part III of the Revised Statutes is entitled "An act concerning courts and ministers of justice, and proceedings in civil cases." This constitutes the first code, though not so demonstrated, relating to practice in New York state. It consists of 2547 sections, and includes almost all of the substantive as well as the adjective law relating to courts and practice. The plan used by Tidd in his treatise on practice was followed because, as the revisers have it: "A higher authority and a safer guide, could not be found in the whole range of English and American writers."

The revisers voice the attempts that were being made, steadily and persistently, to break away from the old order in these words:

"The courts have long been struggling to mould the forms of proceeding, in a government very dissimilar, in many important respects, to our own, so as to adapt them to our peculiar institutions and necessities. In many cases they have succeeded; in others they have not possessed the necessary power. It remains for the legislative authority, to second and sustain their efforts.

"To a considerable extent, this has been attempted in the Third Part of the revision, and exertions have been made, to prevent multiplicity of suits; to avoid fictitious, useless, and protracted forms; and to save unnecessary expense."

And they inserted many important provisions along these lines. The chancellor was authorized to impose fines whenever bills, answers or other proceedings in the court of chancery were made unnecessarily prolix. Security was required in all injunction proceedings. The Supreme Court was given the same power as a court of chancery to compel discovery of matters essential to a de-

fense. The amount of bail required in civil cases was reduced, and the method of giving bail simplified. Courts were allowed to permit a defendant to rejoin several matters to the replication of the plaintiff. Otherwise, however, the chief of the causes of mischief, the ancient forms and rules of pleading were undisturbed, indeed were included in this most revolutionary of revisions.

Code of Procedure

The enactment of the Revised Statutes prepared the people of New York for the greater reform that was to follow, the simplification of practice and pleadings. So that at no time was there serious opposition, and in the comparatively short time of twenty years it was accomplished.

As early as 1823 William Sampson delivered a discourse before the New York Historical Society on "Codes and Common Law." The complaint and suggestions of the revisers have already been mentioned. In 1839 David Dudley Field published a letter on the reform of our judicial system. In 1841 Mr. Field sought election to the Legislature to introduce, first hand, measures embodying his ideas. He was defeated, but Mr. O'Sullivan, the successful candidate for the district, introduced three such bills for him. The following year Arphaxed Loomis, chairman of the judiciary committee of the Assembly, prepared three procedural reform bills. Before the introduction of these Mr. Loomis received a communication from Mr. Field, in the form of an elaborate essay, upon this subject. Some of Mr. Field's ideas were incorporated in the bills as introduced.

Many newspapers of the state took up the cry, among them the New York Evening Post, The Albany Atlas, and the Democratic Review. A paper, the Albany Democratic Reformer, was even started devoted mainly to the same purpose. A bill was passed in the Legislature of 1845 submitting to popular vote the question of calling a constitution convention, one of the chief reasons urged being law reform. The vote at the polls was overwhelmingly for the convention, 213,257 for, and 33,860 against.

Opposition in the convention was but perfunctory, the debates not extended and devoted rather to the form than to the principle, the final vote for simplification of practice and pleadings showing ayes 64, noes 18. The convention, which proposed the abolition of the Court of Chancery and vesting its powers in the common-law Supreme Court, sought to accomplish other law reforms by two methods: (1) directing the Legislature to appoint three commissioners to reduce to a written and systematic code the whole body of the law of the state; (2) directing the Legislature to appoint three commissioners to revise, reform, simplify and abridge the rules and practice, pleadings, forms and proceedings of the courts. The work of the first mentioned commissioners came to naught. It is with the work of the latter that we have to do.

The proposed Constitution was ratified at the polls by a two and one-half to one vote. The Legislature of 1847 appointed the commissioners as directed. The act of the Legislature elaborated upon the constitutional provisions and provided further that the commissioners should "provide for the abolition of the present forms of actions and pleadings in cases at common law; for a uniform course of proceeding in all cases whether of legal or equitable cognizance, and

for the abandonment of all Latin and other foreign tongues, so far as the same shall by them be deemed practicable, and of any form and proceeding not necessary to ascertain or preserve the rights of the parties."

The act names as commissioners Arphaxed Loomis, whose work for law reform has been mentioned and who was a member of the constitutional convention; Nicholas Hill, Jr., reporter of the Hill series of New York reports; and David Graham, author of Graham's Practice, a standard work in general use at that time. It will be noticed that David Dudley Field, chief of the reformers, was not an original commissioner. Messrs. Loomis and Graham believed that an entire new system of pleading and practice should be established, not merely a system of amendments to the existing practice. In this Mr. Hill did not concur, believing that the sweeping changes contemplated could never be put into actual practice, and accordingly resigned. Mr. Loomis proposed the name of David Dudley Field, and he was appointed in Mr. Hill's place by an act of the Legislature.

The commissioners met in November 1847, compared notes, and adjourned to January 13, 1848 with the understanding that each member should proceed to write up such parts as he might choose. It should be remembered that their task was one without precedent. The general principles had been agitated for a comparatively few years compared with its importance, but the working out of details appeared in no concrete form except for fragmentary suggestions made from time to time by advocates of the new system. In less than seven weeks they formulated a code that swept away rules and precedents that took centuries in the building, and swept them away for all time. This is probably unparalleled for speed in the history of statute making. On February 29, 1848, the commission submitted to the Legislature for its action what it called a Code of Procedure. The bill became a law April 12th of the same year. The Code was generally amended in 1849 with a view to remedying defects and omissions.

The Code boldly, amongst many minor reforms, accomplished three main changes, as follows:

(1) The abolition of all forms of action and pleadings, substituting a single action and a simple method of pleadings by complaint and answer, and, if necessary, reply.

(2) The abolition of distinction as to form between legal and equitable actions. This followed the abolition by the new Constitution of separate courts of chancery.

(3) The abolition of all forms and proceedings not necessary to ascertain the rights of parties.

The Code of Procedure, as amended in 1849, is commonly referred to as the Field Code, from the common belief that David Dudley Field drafted the greater part. Field never denied this, but Arphaxed Loomis, one of the commissioners, presents a very good case to show that the work was jointly that of all three commissioners, none having a preponderating part. It was intended to cover the subject in part only, and it related only to procedure and pleadings and jurisdiction and functions of the courts. The commissioners intended to prepare a code of procedure which would comprehend the whole law of the state concerning remedies and courts of justice. Strangely, it was the abbreviated form of the first Code that has been the basis of controversy even to the present time.

From the Code of Procedure to the Code of Civil Procedure

With all their expedition the commissioners on practice and pleadings did not work fast enough. They formulated the Code of Procedure, that temporary expedient, in a few months, revised it entirely within the year following its adoption and by December 31, 1849 submitted a draft of a complete Code of Civil Procedure to supersede the temporary Code. But too late. Public interest and pressure had all but died out and the Legislature had become indifferent. The mandatory provisions for reform in the Constitution had been taken care of by the Code of Procedure. On April 10th following the submission of the Code of Civil Procedure the commission was abolished without the enactment of the proposed complete Code; nor did that Code ever become law in New York state.

It purported to embody the whole law of the state concerning judicial remedies in civil cases, it superseded the provisions of the Revised Statutes and subsequent statutes and all of the common law on the subject of civil remedies. The essential features of the original Code were retained unchanged. New provisions expedited the trial of causes, regulated the law of evidence, established courts of conciliation, and provided for summary judgments in certain contract cases where the amount was not in dispute.

The commissioners wrought not only for their own state, but for the greater number of states of the Union, and indeed for most of the English speaking governments. Over thirty of our states adopted their proposed Code of Civil Procedure, modified only to suit local conditions. Of the remaining states all but thirteen adopted the essential principles. England has obliterated its common-law practice and adopted a short practice act. Codes have been adopted in most English colonies. Mr. Field on a trip around the world found to his surprise substantially the New York system of practice in use in the courts of India. The provisions of the New York Constitution of 1846 commanding the breaking down of the common-law intricacies of practice and pleading, and the expression of those commands in the Code of Procedure and the complete report of the commissioners became a shot heard around the world.

With adoption of the essential principles it became a question in New York state as to the form of code that was to express them. The original code did little beyond establish these principles and was far from being a complete manual of the practice of the state. As amended in 1849 it consisted of 473 sections, but incorporated by reference or left unrepealed and in effect 2,000 sections of the Revised Statutes relating to practice. So that to get the complete practice it was necessary to resort to many places. The proposed Code of Civil Procedure, submitted in 1850 but not adopted, included the greater part of these provisions in its 1885 sections. The practice until 1876 was under the short Code with its supplementing statutes.

Hardly had the Code of Procedure come into use when three distinct sets of advocates arose to set in motion a seventy-five year controversy. The three forms of code urged by them were approximately (1) a short practice act—the Code of Procedure or one like it, containing only practice essentials; (2) a code containing all adjective law, and necessary substantive law relating to actions; (3) a code containing both procedure and all substantive law relating to courts, officers of justice and court actions.

The proposed Code of Civil Procedure of 1850 was of the second class. The commissioners say in the preface: "It was a question with the commissioners of some embarrassment, how far it was wise to go into details. There were two opposite difficulties to be avoided; on one hand was the danger, by provisions too general, of leaving a wide space for judicial discretion; on the other, equal danger, by going into minute details, of making the practice inflexible and intricate, increasing the risks of mischance, and leaving unprovided for whatever particulars were unforeseen. Whether they have succeeded in finding, what they desired, a middle path between a judicial discretion, too wide for safety on the one hand, and too narrow for convenience on the other, only can be known by the result." But there was no result for the Legislature never saw fit to give it a trial. Session after session David Dudley Field appeared before committees to demand its adoption. Once it passed the Assembly, but was defeated in the Senate.

An act of 1870 created a commission for the revision of the statutes of the state, to consist of three commissioners. During the life of the commission no less than eight members served,—of these Montgomery H. Throop was a member from first to last, and at the end was its predominating figure, as Field had been of the earlier commission. Code revision came within its duties, in fact was the only part of its labors that was enacted into law. Whatever form it was to take it was sadly needed. While the Code of Procedure, with its amendments, was intact, the portions of the Revised Statutes relating to practice and the courts had been amended out of all recognition, or had been superseded, repealed by implication, or supplemented by separate statutes. In many cases it was difficult or almost impossible to find the existing statute. The Revised Statutes were more than fifty years old and the later editions of these, which contained all general laws, consisted of much more of the latter than of the former.

The commission submitted the first thirteen chapters of what they denominated the Code of Remedial Justice to the Legislature in 1875, and this became a law the following year to go into effect May 1, 1877.

The Code of Civil Procedure

An act of 1877 changed the title of the Code of Remedial Justice to the Code of Civil Procedure and very materially amended its provisions. Chapters 14-22 were added in 1880, and chapter 23, relating to condemnation of real property in 1890.

The Code of Civil Procedure was in effect a complete practice manual. It added to the former Code of Procedure provisions relating to the jurisdiction, organization and functions of all courts, including those of surrogates, justices of the peace and of certain cities, the selection, removal, powers, duties, qualifications and disabilities of officers, such as judges, district attorneys, clerks, sheriffs and coroners, the summoning, returning, and drawing of juries; limitations; court reporters, clerks, stenographers, criers, interpreters, etc. In short, all statute law relative to courts and the administration of justice was included, whether adjective or substantive.

The new Code is often called the Throop Code, although Mr. Throop never claimed being its sole author, and the report of the commissioners distinctly

says that the Code submitted was, with two exceptions, the work of all of the commissioners.

The enactment of the Code of Civil Procedure was strenuously opposed from its start by the advocates of the shorter forms. David Dudley Field bitterly attacked it, asking for the adoption of the proposed Code of 1850.
While unsuccessful in defeating it, he succeeded in having many material amendments adopted.

In 1889 a new commission of three was authorized to revise the general statutes upon certain subjects. This commission was continued by succeeding laws until 1900. In 1895 these commissioners of statutory revision, as they were called, were appointed commissioners of code revision. They undertook with other labors to revise the Code of Civil Procedure. The first report of the commissioners of code revision in 1895 advocated the inclusion of many more subjects in the Code than were found in it.

The struggle to reform the Code of Civil Procedure, which had its inception even before its enactment, usually took the form of advocating the elimination of its substantive provisions or of minor substantive provisions such as those relating to sheriffs, coroners, court criers, and court stenographers. The controversy was at its height in 1895. A subsequent report of the commissioners in 1900 showed a reversal of front. They advocated the division of the Code of Civil Procedure into eleven codes and laws, the former procedural, the latter substantive. Among these were a Code of Civil Procedure, a Surrogates' Code, a Justices' Code, a Judiciary Law (containing provisions relating to organization of courts, functions of various officers and incidental proceedings not strictly procedure), a Condemnation Law and an Insolvent Debtors Law. But this scheme did not receive favorable action of the Legislature. The commission was abolished in 1900.

A special joint legislative committee was appointed to study the report of 1900. The committee's report, made in 1901, thus indicted the Code of Civil Procedure: "The Code is technical, inelastic, redundant, inconsistent, contains substantive law, and has been the creature of frequent legislative amendments." The committee recommended the adoption of a single general practice act, with such changes in pleading and practice as were necessary. They condemned the division into separate codes as making it necessary to look in more than one act to find the general provisions governing practice; also a proposition, favored by the New York State Bar Association, for a short practice act covering jurisdictional matters mainly, leaving the details of practice to be controlled by rules of court like the plan in operation in England, as vesting in judicial officers legislative functions.

A committee of fifteen, authorized by an act of 1903, made recommendations along the line of the joint legislative committee of 1900.

A new commission for the revision of all statutes, including those relating to practice, was created in 1904, and termed the Board of Statutory Consolidation. The board deferred the revision of the practice until it had completed its draft of the Consolidated Laws, which were enacted in 1909 and constitute the revision now in force. By means of the Consolidated Laws the reform of the Code was started by a sort of nibbling process. Several of the Consolidated Laws

consisted for the most part of provisions transferred from the Code of Civil Procedure. Thus provisions relating to the organization of courts, court officers, reporters, attorneys, jurors and contempts were made into the Consolidated Judiciary Law; provisions relating to insolvents into the Consolidated Debtor and Creditor Law; substantive matter relating to descent and distribution, executors and administrators, trustees, appraisers and public administrators were made into the Consolidated Decedent Estate Law. In this way several hundred sections were removed from the Code.

In 1912 the Legislature directed the Board to report to the next Legislature a plan for the classification, consolidation, and simplification of the civil practice in the courts of this state. The Board in its report recommended a scheme similar to that in use in England, a short practice act of 71 sections conferring general jurisdiction upon courts; 401 rules of court, giving courts the direction of all details. It also recommended special court acts to govern surrogates' and justices' courts, and the distribution of matter in the Code of Civil Procedure, not thus taken care of, in the Consolidated Laws.

A joint committee of the Legislature was appointed to study the plan of the Board and to make recommendations of its own.

A fight for the adoption of the short practice act plan then ensued, led by Judge Adolph J. Rodenbeck, chairman of the Board of Statutory Consolidation. Year after year it was urged before the New York State Bar Association, and year after year indorsement by that body was deferred. Leading members of the bench and bar engaged in the struggle without a discernible majority on either side, and apparently without hope of a definite result.

The Practice Acts

Finally in 1920 the joint committee of the Legislature, appointed in 1915, took the bull by the horns and presented a solution. This in short was the splitting up of the Code of Civil Procedure into the following:

A Civil Practice Act containing general practice provisions.
A Surrogates' Court Act.
A Justice Court Act.
A Court of Claims Act.
A New York City Court Act.
Rules of Civil Practice, to consist of the former General Rules of Practice and some 200 new rules, mostly derived from sections of the Code.
A Condemnation Law.
Transfer of several hundred sections to Consolidated Laws and court acts of cities.

No account was taken as to whether provisions were procedural or substantive for insertion in Practice Acts or for transfer to other laws. For instance the substantive chapter as to evidence was retained in the Civil Practice Act, while the procedural provisions as to actions for dower, to compel determination of claims to real property, for waste and proceedings to foreclose mortgage by

advertisement were placed in the Real Property Law. The test seems to have been necessity and frequency of use. The provisions as to evidence retained are, with two or three exceptions, the most frequently applied and construed of those in the Practice Acts. While the actions mentioned as transferred to the Real Property Law were termed by the committee infrequent actions.

Many sections were rewritten with a view to clearness or conciseness. Obsolete and duplicating provisions were repealed without re-enactment.

The committte also introduced many new and reformatory features. Joinder of parties and causes of action and correction of technical and minor mistakes, defects, and irregularities was made easier. Demurrer was abolished. State writs, except habeas corpus, were abolished and proceedings substituted. Summary judgments and declaratory judgments were allowed. All possible discretionary matters were transferred to the rules to be handled by the courts.

They studied the original draft of the Code of Civil Procedure, the recommendations of the Board of Statutory Consolidation, the English, federal, and New Jersey practice acts and rules, and took from each what seemed good.

The bills recommended by the joint legislative committee were passed at the 1920 session almost unnoticed. A serious attempt was made to repeal them at the 1921 session, and a repealing act passed the Assembly by an overwhelming vote, but was lost in the Senate.

The Code of Criminal Procedure

The code governing criminal procedure in this state has not the tempestuous history of the codes and acts governing civil practice. On the contrary it waited, without serious agitation, 32 years from the time the first draft was reported to the Legislature until its enactment, and has now governed the criminal practice for 44 years without important change.

The commissioners on practice and pleading, who drafted the Code of Procedure and the first proposed Code of Civil Procedure, considered that the formulating of a Code of Criminal Procedure was among their duties. Accordingly they reported such a code to the Legislature of 1849, setting forth in an elaborate preface the underlying principles upon which the various parts of the Code were based. A second revised report in 1850 gave, where possible, the source of each section. This passed the Assembly only. So criminal procedure continued under the common law, the Revised Statutes, or other statutes passed from time to time.

In the meantime states of the west and southwest began adopting the Code as formulated by the New York commissioners. Eventually twenty states adopted it verbatim or in substance, most before it had become law in the state of its origin.

In 1879 the old draft was revised by a commission headed by David Dudley Field and passed both houses, but was vetoed. It failed to pass in 1880, but was finally enacted in 1881. Despite years of neglect and the criticism poured upon it, it has been found quite satisfactory and is in use today with but minor changes from its original form.

Conclusion

We New Yorkers are proud of our state, as you are of yours; of our seaboard, our lake fronts, and harbors on both; of our Hudson river, of our Adirondack and Catskill forest with their mountains and thousand lakes, abounding in large and small game and fish; of our fertile valleys and great cities. But these are things that, for the most part, nature provided and for the existence of which we can claim no particular credit. Your states have some or all or more of these. But it is in the achievements of our people that we take greater pride. Within our borders were fought three decisive battles of the world. One a military battle, the battle of Saratoga, was decided within fifteen miles of where we now are. This, authorities state, determined the political future of this country. Two other battles were fought within forty miles of here, at Albany. One of them, resulting in the adoption of the Revised Statutes, gave to the English speaking world the first true statute revision, the welding of the statute and common law. The second resulted in the unshackling of the same world from the tyranny of feudal practice and pleadings. As Lexington and Concord are the cradle of American political freedom, so the state of New York is the birthplace of legal reform and freedom for all peoples under the common law.

MRS. MARY C. SPENCER

Olive C. Lathrop, Detroit Bar Association Library, Detroit, Mich.

"It lies with Death to take the beauty of Laura but not the gracious memory of her."—Petrarch.

"Mrs. Mary C. Spencer, State Librarian of Michigan for thirty years, died at her home August 22, 1923, aged eighty-one years." To those of us who knew and loved her there was sorrow in that brief dispatch. Yet a gentle sorrow as for a "good lost which might have longer been enjoyed," a sorrow which found consolation in the knowledge that with the crown of her years, and the laurels of achievement upon her brow she had but entered upon that life for which she longed.

In Mary Clare Spencer, born Wilson, there was mingled the blood of Vermonters and Virginians, a conjunction which well might fuse into that blend of cavalier and puritan which was hers. Her mother was descended from Joseph Edson of Randolph, Vermont; her father, John A. Wilson, was a Virginian ordained to holy orders, a clergyman in the Protestant Episcopal Church of America. His first parish was in Pontiac, Michigan, where Mrs. Spencer was born. During her baby years the Rev. Mr. Wilson was called to a parish in Ypsilanti, a college town, the Greek sound of which together with its academic atmosphere may have pleased him well. Certainly there he lived and served his Church for the remainder of his days, and there he and his daughter both are buried.

The latter was just growing up at the beginning of the Civil War, and near Ypsilanti a young farmer, Clinton Spencer, descended as are so many Michigan farmers from Massachusetts stock, was about to come of age. When the first

call for volunteers came he responded by enlisting as a private. Mustered out at the end of three months he immediately reentered the service as first lieutenant of Company B, First Michigan infantry. Later he was commissioned captain of Company I, same regiment. He served through the war, was seriously wounded at Gettysburg, was finally mustered out in 1864, and returned to Ypsilanti. The same year he and Mary C. Wilson were married. For twenty succeeding years we may think of them as jointly engaged in the sacred task of making a home and rearing a family. Six children were born, two boys and four girls, two of the latter dying in infancy. We contemplate Mrs. Spencer as wife and mother, knowing all that life has to offer of joy and sorrow in that dual relationship, sparing not herself, striving, teaching, admonishing, leading, her best monument today is her children, as they are proud to have called so great a woman mother.

In 1884 they removed to Lansing where for some time Captain Spencer though crippled from wounds received in the war had a position in the State Capitol, and where he died November 27, 1893. Speaking of this period of Mrs. Spencer's life a journalist friend has written "She possessed a high and gallant heart and it kept her serene and undismayed through every crisis of her life. When widowed and toiling under burdens and cares that would have appalled any woman less than heroic, she faced the world of hard and grinding duty with intrepid front, held to her course with tranquil confidence in herself, and shed no vain tears over the inevitable." On March 3, 1893, she assumed the office of State Librarian, having been appointd thereto by the then governor, John T. Rich. On March 31, 1923, she received her final reappointment at the hands of the present governor, Alex Groesbeck, thus rounding out thirty years of continuous service in the one position.

The Michigan State Library claims direct descent from the Territorial Library established in Detroit, then the capital, in 1828 by the Legislative Council of the Territory of Michigan. When the State was admitted in 1836 the Library became by act of the Legislature a State Library, and in 1847 was moved to Lansing which then became the capital of the State. In 1850 an act was passed authorizing the Governor, by and with the consent of the Senate, to appoint a State Librarian. Under that act with its amendments Michigan has had eleven state librarians, seven men and four women. The first of these women librarians was Mrs. Harriet Tenney, appointed April 5, 1869. Mrs. Tenney has been called the real founder of the State Library since under her devoted care it grew to be a library of 60,000 volumes, containing many rare American and foreign books. Following her in office was Mrs. Margaret Custer Calhoun, who died before her term expired. Mrs. Spencer had been assistant librarian under Mrs. Tenney, and was conversant with her many plans. She was therefore appointed Mrs. Calhoun's successor. Mrs. Spencer always gave Mrs. Tenney credit for the inspiration for her library ideals, and it was good fortune for the Library that its management passed from one broad minded woman to another.

The Library is divided into separate departments, which are quite distinct: a general collection used by state employees, legislators, Lansing and other citizens; a law department used mainly by the justices of the Supreme Court and by attorneys; and a large collection of state, federal, and foreign documents. The

general department is much larger than that of the law, but the latter is peculiarly rich in works of legal importance. I cannot say, nor does it matter, which department held the warmest side of Mrs. Spencer's heart. She was particularly proud of the law department, but she was intimately concerned for the high standard of the general collection, and also for the completeness of the documents. She was by nature scholarly, admiring things fine in literature and art, and she desired to secure for the remote parts of the State access to the books belonging to the State. Also, and I think this is her characteristic most frequently commented upon, she was shrewd politically, and was careful to stress to the individual politician or other citizen the part of the Library with which she judged he was most concerned.

When she took office library interest was being aroused all over the country. New York State had been the pioneer in 1892 in starting travelling libraries. Mrs. Spencer on the alert for new methods quickly grasped their significance in spreading knowledge of books, and making acquaintances for the Library. Accordingly in 1895 she had prepared and introduced into the Legislative session a bill "to provide for the management and control, and for the extension of usefulness of the State Library." This bill revised all former State Library laws and became Act no. 28, P.A. 1895. With few changes it has remained the law of the State Library since that time. Aside from the sections relating to the management of the Library, it provided for an innovation known as "associate libraries," and carried an appropriation for "Michigan travelling libraries" following exactly the form of the New York law. Michigan was thus the second state to start travelling libraries, a fact of which Mrs. Spencer was always justly proud. Following 1895 hardly a session of the Legislature but had to consider one or more of her bills, most of which were enacted into law. Thus in 1899 the State Library Commission was provided for, in 1901 a law was passed allowing granges and women's clubs to become "registered" with the State Library and to receive specially selected collections of books, in 1907 the Legislative Reference Department was established. Gradually she induced the Legislature to increase appropriations, to raise salaries and generally to provide for higher standards of service in the Library. Early realizing the advantages of card records she issued but one printed catalogue and that of the law department. She engaged a cataloger and classifier for the general collection when such systems were new. She had a card catalogue made for the law department. Later she had issued a bulletin of additions to the Library, containing also library news of the State. She bought beautiful reproductions of the old masters and had them framed for lending throughout the State. Indeed into so many unusual places did they go that she once received a letter: "Dear Mrs. Spencer, will you send us some pictures? *You* will know what sort of pictures ought to hang in a barber's shop." She enlisted the aid of the Department of Public Instruction and started in the several state normal schools summer courses in library methods for would-be teachers. She had a library organizer working throughout the State. In all this library development reference to dates will show that Mrs. Spencer was among the first to seize upon a new idea and to put it into practice. While her strength allowed she attended state and national library conferences, and she counted among her friends the best minds of the library profession.

Among the State legislators she made life-long friends, men who delighted in her political acumen, who enjoyed her raillery, and who respected her so thoroughly that years after they had left political life they were always coming back "just for a visit with Mrs. Spencer." Not only politicians but book-men found her foresight and judgment in book selection worthy of admiration. Mr. Frank E. Chipman, than whom no man has a wider acquaintance among law librarians, has in a printed appreciation paid her a beautiful tribute. "She made the law section [of the State Library]," he says, "one of the best and most complete collections of law books in the world. . . . For a quarter of a century she was my personal friend. During that time I have known personally every leading law librarian in the United States, Canada, and Great Britain. None excelled her in ability and sound literary judgment." In a recent letter Mr. Chipman gave the following opinion concerning her purchase of a set of United States Records and Briefs. "I think the collection in the Michigan State Library is the best in the country, unless there is a set in the Library of Congress that I do not know about. . . . The set that she bought I think had been made up by Mr. Justice Bradley. It is several years older than the set that the Lawyers' Cooperative Publishing Company was able to make up when they issued their Lawyers' edition of the U. S. Supreme Court reports. . . . If it was destroyed it could not be replaced."

Much more might be said about Mrs. Spencer's achievements as a librarian, but for a moment I should like to show her to you as a writer. I do so with some hesitation because she was always so shy of letting even her friends share with her the evidences of her muse. Like Emily Dickinson, whose gems of poetry were found after her death tied up in bundles and marked for burning, she poured out her poetic thoughts in secret. At the close of her life, urged thereto by family and friends, she allowed to be published one volume of verse, the very make-up of which is suggestive of her reluctance to have her name appear in print, for the volume has no title page and none of the poems are signed nor dated. Nothing there is of location save dedications to the names of children living and dead. Her verse reveals her early training by an academic father. It abounds in classical allusions, moves smoothly and has both rhyme and rhythm.

"I saw a girl come from the whispering wood,
With large clear eyes and hair of tawny gold,
Smiling she lingered where I wondering stood
A fair young goddess of Greek story old.

'Whence comest thou, sweet, from what veiled temple fair?'
With gesture free, her white arms opened wide,
'Look in thy heart' she said, 'thou'lt find me there,
Hast thou forgot? I am thy youth that died'."

"Two angels met on earth at close of day,
Each at the other gazed with questioning eye
Of wonder, that their golden steps should stray
From Paradise.

Joyous the one, and radiant as the light,
Eager her glance and swift her glowing feet
Bearing close pressed against her bosom white
The heartsease sweet.

Weary and sad the other's drooping face,
(Like some sweet flower drenched with twilight dew)
She bore within her sorrowful embrace
The mournful rue.

'Among God's holy ones they call me Death'
(With heartsease bloom the purple air was rife)
Whispered the other, with low faltering breath,
'My name is Life.'"

Mrs. Spencer lived in her own home on a pleasant Lansing street even until her death. She saw her children every day, and was glad to visit in their homes but she too much loved her independence, and felt too strongly the "communion of silence" to be willing to give it up. She was a life long member of the Episcopal Church. She was not given to preaching nor vociferous to proclaim her faith, but those about her felt its presence as a calm and beneficent influence. She took up her duties as State Librarian at an age when many women lay down the burdens and cares of life and retire to club or fireside. For thirty years with untiring energy and shrewd common sense adorned with the flower of her vivid personality she labored for the library welfare of Michigan. The first twenty years were golden ones for the State Library, and only during the last five did those who worked under her see that age could no longer be denied, that even her sturdy constitution was breaking under its weight. A member of her staff who had been longest with her preceded her shortly in death. This grieved her and she was very weary. So she rests. Three thousand years ago, as nearly as we may measure time, the wisest son of David wrote these words, and I leave them as her epitaph:

"Who can find a virtuous woman? For her price is far above rubies.
The heart of her husband doth safely trust in her. . .
She seeketh wool and flax and worketh willingly with her hands.
She is like the merchants' ships, she bringeth her food from afar.
She riseth also while it is yet night and giveth meat to her household, and a portion to her maidens.
She girdeth her loins with strength, and strengtheneth her arms.
She perceiveth that her merchandise is good, her candle goeth not out by night. . .
She openeth her mouth with wisdom, and in her tongue is the law of kindness.
She looketh well to the ways of her household, and eateth not the bread of idleness.
Her children arise up and call her blessed. . .
Favour is deceitful and beauty is vain, but a woman that feareth the Lord she shall be praised.
Give her of the fruit of her hand, and let her own works praise her in the gates."
—Prov. xxvi, 10-31.

SHELF ARRANGEMENT OF STATE REPORTS

Dr. G. E. Wire, Librarian, Worcester County Law Library, Mass.

In the report of one of our earlier meetings, will be found a discussion on this subject which began and ended in rather a vague and desultory fashion. As I remember it was more or less complimentary, and really could not have been intended as a serious attempt to solve the problem. It does not always follow that because a person is resident of a state, that he knows best how to shelve his own state reports, that he knows more about it than any one outside his own state. He may be tied to one manner of shelving by the fact that it has always been done that way, that he is a bar librarian of a bar library, and the bar has always been accustomed to, and are expected to find their own books and return them to the shelves, and like most cases of that character the system is no system at all.

In our court rooms the bench copy of Massachusetts Reports is shelved differently in each of the three court rooms on this floor, Jury Civil, Jury Waived and Jury Criminal, not for and because of any adequate reason, but because of the fact that the janitors put them on the shelves in these weird ways, that's all. In one court room they run across the entire sections at the top, and then go back the same way. In another court room they may be found with the latest volumes on the top shelves, with earlier volumes at the bottom. In the third court room they may be found to start as noted in the first court room, and then at end of the third section instead of going back to the first section, they just reverse and go backwards, that is all. Different types of law libraries in the same state, serving different constituencies, may and do arrange their state reports in different ways and each one may be right within its own sphere of activities. There are, however, a few essentials to be considered in any paper, or even in an impromptu discussion.

First we may observe that there is no hard and fast way of arranging law books any more than any other books. No arrangement is absolutely foolproof, however good or bad it may be. Books may be and have been shelved with their fore edges visible, and these edges labeled instead of the backs, but this custom went out with the chains and clasps on them a few centuries ago. They may be arranged according to the size of book, or style of binding, or date of publication, or to match the woodwork or interior decoration. They may be arranged according to the day, month or year in which they were added to the library. Inside the subject, which in this case is law, they may be arranged alphabetically, numerically, or any way you may desire.

Second, their arrangement depends on their location and their use. If you have boys or pages who get the books for readers, and return these books to the shelves, these same boys or pages can and do learn almost any classification or system if it is any way rational, and if you stick to it. If the readers insist on getting their own reports, or if the law librarian requires them to do so, the simplest arrangement is none too simple for them. Each individual reader has his own ideas, or want of them, about arrangement of books. You may depend upon it, however, that no one arrangement will suit all parties concerned, even if they were consulted about it. The lawyer's idea of a law library is that of his own office library somewhat enlarged. As a general thing he has no adequate

idea of numbers of volumes or feet of shelving necessary, even in a small 5000-10000 volume law library. Runs of session laws, scores of codes and compilations, rows of digests, files of state documents, and sets of periodicals, are unknown quantities to him absolutely. Being a patient and long suffering profession and, as a class, the best one I ever had the opportunity of serving in nearly fifty years of library life, I may add that according to my judgment and observation, all they care about is to get the book as soon as possible.

Third, each library is a law unto itself, in some cases it is true, a wobbly, unscientific rule of thumb law, but a law all the same. And we must always remember with Blackstone, that law is a rule of action, and govern ourselves accordingly. We all of us live literally by the law, we get our bread and butter that way and must observe some kind of law ourselves in shelving and arranging books. Architecture, arrangement of rooms, shelving, are a few of the material things, and use, misuse, selfishness, thoughtlessness, ignorance, carelessness, are a few of the immaterial things, all of which have to do with proper, and in many cases with improper arrangement of books. Generally speaking, where it is physically possible, the most used books should be next the door of entrance, if possible on the right hand side of the door at that. Unfortunately our local set is on the left hand side of entrance and has to be demonstrated to all new users of our reading room.

Thus in each sovereign state, and by that I mean, each entity producing laws and reports, the law library should shelve next the entrance, the reports, session laws, codes, digests, and local text books of that particular and individual state. These should be the first things in the book line to greet the reader and catch his eye as he enters the room. Much as I loathe signs, (we have absolutely none in the library,) I would if necessary have a big and arresting sign right there. The reader in many cases does not stop to reflect or reason, I almost think some of them seldom do. I have had readers new to our library rush into our reading room, stalk by the Massachusetts corner, and head for the stack room and evince a desire to find the most used set of reports in the whole city fifty feet from the entrance!!!

The reporter system occupies the first row of shelves in the stack room, only some twenty feet from the desk where I am now writing this paper. Then come the states arranged alphabetically. This afternoon Chief Justice Rugg came in and presented me with three sheets of citations to reports, said reports to be sought out and placed on book truck in order of the lists. In about 15 minutes I had his order ready for him, and then wheeled back and put away another truck of about as many volumes on which he had just been at work. This is a saving of time to the Chief Justice and he is the only one admitted to the stacks and knows them fairly well. It would no doubt take the ordinary reader at least one-half an hour and probably longer to collect those books on a truck. And I very much doubt if the ordinary reader or even the extraordinary reader could do it at all without constant assistance from us, and if so it is better and cheaper and less bother to us and infinitely better for him if we do it ourselves. I am always particular to have books back on the shelves, in the stack room or reading room, as soon as possible after being used.

When I came to this library in August 1898 I found that the official set of C.C.A. (you will remember that in those days both sets were alive) ended up

near the door in the middle of the set, and the remainder of the set and the last volumes published were in another room. Just a case of inefficiency, that's all. Of course it was not long before I so arranged the sets that I brought the volumes of that set and all other sets similarly situated together. All shelves to which the public is admitted must be absolutely correct in numbering and kept so all the time. That is one strong argument in favor of stacks and runners.

When I was building up the Newberry Library Medical Department, Chicago, 24,000 volumes and 400 continuations when I left it in 1895, now some 90,000 volumes and 1200 continuations, I endeavored to be too good. So on the shelves of current periodicals, in pamphlet boxes, I put out two boxes of the Lancet, London. I now state for your especial benefit, that the Lancet, London, is as much the "TIMES" of the medical profession as is the Law Times of the legal profession. I had put in one box the recent numbers of the Lancet and in the second box numbers not quite so recent. An old gentleman came in to look at the Lancet, and of course he got hold of the numbers a month old instead of the latest numbers and was greatly perturbed because we had not the very latest issues. So the earlier issues were removed and only the latest ones displayed.

Then again your library should be arranged according to your constituency, remember that I say it *ought* to be so arranged. The arrangement not only is different for each library, but is different for each type of library. Law School libraries should be and are arranged differently from Bar Association libraries. In all Bar Association libraries the reports and laws of their own state are of course removed from the alphabetical order and placed in the most conspicuous portion of the room, or nearest the entrance. Text books are not supposed to be treated of in this paper, so I will omit any remarks upon them, but I may be allowed to remark that I note a tendency to break them up into rought groups or classes. But for the most part, old and new, they are strung out in a long alphabet. Why not relegate to the back shelves all over five years old? We keep all we can of our five year olds, back of our desks here in the reading room, some 350-400, and they proudly wear green and red seals on their backs. Red means they are out of their place in the stack room and *do* circulate, and green means they are out of their place in the stack room and do *not* circulate.

Now the rocks upon which some of the discussion first alluded to came to grief, were that no hard and fast rule could be laid down for the arrangement of the reports of three states, New York, Ohio, and Pennsylvania, the three mentioned in the former discussion. I am aware that those states are ably represented at this meeting by various law librarians who have opinions of their own on this subject, so that I am liable for anything I may say on this subject. As might be expected, the arrangement given by each one differed from the others in their views on the arrangement of the reports of their respective states. A Bar Association library has neither the same kind of use or grade of readers as has a Law School library, and Bar Association libraries differ in their size and constituency. A Law School library may be of 5,000, of 50,000, of 100,000, or of 200,000 volumes and the same volume rating is true up to 100,000 volumes of Bar Association libraries. Because one man can and does use one arrangement of reports, it does not follow that his arrangement will suit the other fellow. In a Law School library, where students are expected to get their own

books, it may be necessary to alphabet the state reports, alive and dead. This is exceedingly wastful of space, but it can be done and may be necessary.

Generally speaking in the Worcester County Law Library we follow the arrangement of New York, Pennsylvania, and Ohio as given in Soule's Manual, and that brings and keeps together the dead sets first, and living ones second in chronological order. In case of the latter sets, the living ones, we are leaving now space for five years' growth, which is as generous as we can afford to be in the crowded condition of our stack room. We keep all our state sets on first floor of stack. It has been proved that it is better service to travel 50 feet on the level for a book, than to climb even a short flight of steps and go 25 feet. Our scheme works all right for our readers and ourselves and that is the main thing. Mind you I do not say that it is absolutely the best and only scheme for every and all libraries. We do not attempt to evaluate any of the reports by this method, and I tell you as I told one of our Justices of the Superior Court of Massachusetts some years ago, "We have the law such as it is, good, bad and indifferent; we do not warrant it, or defend it, but we have it." I shall not inflict at this time the minutiae of these arrangements on you, but we hope to see them in print later where you can absorb them at your ease.

In New York first come Abbott's Practice Reports and from there on we follow Soule through his first division, Supreme Court and Court of Errors ending with Lalor's Supplement 1844, followed by the second Supreme Court and ending with Hun in 1895. Next come the Chancery Reports, and these are followed by the Supreme Court Reports, then the Common Pleas. Next we put a few odds and ends, Howard's Reprint, Abbott's Appeal Cases, Silvernail's Appeals, Coleman's Cases, Anthon's Nisi Prius, Edmund's Select Cases, Silvernail's Supreme Court Cases, Coleman and Caine's Cases, Code Reports and Code Reporter. This cleans up all the dead ones and we then begin with the present Court of Appeals, ("N.Y.") for short, followed by Appellate Division, Miscellaneous, Public Service Commission Reports, Civil Procedure Reports, Surrogate's Reports, Bradbury's Practice Reports, New York Criminal Reports, and State Department Reports. All are alive now with the possible exception of Annotated Cases. One of these days we will number from one on down the various Surrogates Reports with these heavy Gothic figures, samples of which I am now showing you. Please return samples to me as they are part of our bindery stock. I frankly confess that we lack, but do not miss, Transcript Appeals and one or two other minor New York reports, more freaky than worth while. I am not attacking any other arrangement, or defending this one of my own. My successor can do as he sees fit, but we do find this arrangement works well for us, and to the distinct advantage of our readers, in enabling us to find the needed volumes in the shortest, reasonably shortest, space of time, and thereby enabling us to place these volumes in the readers' hands as speedily as is reasonably possible, and that is what a law library, any library, exists for. We cheerfully, readily, and willingly gather from and return to the shelves anywhere from one to one hundred volumes for any one who can and does make good use of them, and what more can any reader require?

In the noble state of Ohio, mother of our late president, we arrange after the state reports, Supreme and Appellate, the side reports in chronological order, as nearly as we can. This as before stated should bring the living ones at the

end and there we can allow room for at least five years' growth. They are shelved in this order in case these unofficial reports all decease. We will then be able to shift them all so as to bring the living official reports at the end. Following is our shelving order: Ohio Decisions Reprint, Laning, Ohio Circuit Court, (Capital Printing Co.,) Ohio Decisions, Laning, latter having a double numbering, Ohio Circuit Court Reports n.s., (Ohio Law Reporting Co.,) Ohio Nisi Prius Reports, old and new series, and at end Disney, Wright, etc.

Now as to Pennsylvania. We follow Soule as to arrangement of some 69 volumes antedating the Pennsylvania Reports. Some time we may get up a star numbering for these 69 volumes, just to facilitate arranging them on the shelves. South Carolina has even more before she begins her state set, and even more bewildering, and these we may treat in the same way. I will return to this subject later. Next to these unrelated volumes of Pennsylvania come the state reports. Following the state set come the other official reports, Superior Court, County Courts, and District Reports. Here comes the consolidation of District and County Reports. Then we put the county reports arranged alphabetically, with this exception which I admit is arbitrary: those having the name Reporter or Journal are shelved with the periodicals, just overhead in the stacks. We can thus release some space downstairs, as we know just where things are, whereas if we depended on readers to get their own books as before remarked, we should have to make the arrangement as simple as possible. Lastly come the class of reports listed in Soule as "Reports outside of the regular Reports" and in our case we depart from his chronological order and alphabet these merely as a matter of individual convenience, taste, and use.

The thirteen original states were and are the worst offenders in the matter of unnumbered sets of reports, and this of course, came straight from their following the old English custom of unofficial reports, known and quoted by the reporters' names. Most of our first and second group of admitted states, in number, some 32 or is it 33, have a sane and sensible way of numbering from one on down. Only a few of these groups have any reports before or after the state numeration which is official and always used. To return to the thirteen, you will remember that Connecticut has a few before the state numbering. No, Vermont is not one of the thirteen and does not count here. South Carolina is the worst offender having, by actual count, some 82 volumes before the state numbering begins. Sometime we shall use this six pointed brass star, cut especially for such purposes, over or before these brass numbers, and then we can be sure that South Carolina is on the shelves in regular order according to Soule.

North Carolina and Virginia have an official scheme duly printed in their reports, which is recommended if not required by their courts. Some years ago we compiled and printed numbering schemes for the following sets: United States Supreme, District of Columbia, Kentucky, Louisiana, Massachusetts, Mississippi, New Jersey, Tennessee, and Virginia. In case of Virginia, although I had taken the precaution before printing, to write on to the State Librarian and he had, as it were, recommended our scheme, when the printed order came out it varied in the first few numbers from ours. Their numbering of course is official and is the one to follow. I may add that at first we used ink with these numbers but latterly we used gold. The lucelline process and sunlight darken the sheep on the old volumes so that the gold shines up in most gratifying way. It

will readily be seen that the ink absorbs the light, natural or artificial, while the gold reflects and magnifies it.

We shall be pleased to have these numbering tables, and in fact any of our printed work, appear in pages of the Law Library Journal, where the knowledge therein contained will reach a larger number of people than it did in our annual reports and reprints. It has been our constant study to make this library a workshop, not only for the lawyer, but also for the librarian. We have been most fortunate in being able to work out many problems, and equally fortunate in being able to print the results of such work for the benefit of all concerned. This paper as you see has been entirely concerned with, and devoted to United States and State Reports, and we have not attempted to deal with English, Irish, Scotch or Canadian Reports.

In closing this rather desultory paper I wish to call attention to a printed list of all reports later than Soule, giving of course some sets not found in Soule. This is the Catalogue of The Missouri State Library, Law Department, 1915. It will be found most helpful on publications later than Soule, 1883.

REPORTS

REPORT OF THE TREASURER

June 30, 1924

To The American Association of Law Libraries:

The total receipts of the Association for the fiscal year, 1923-1924, were $1,810.79. An itemized statement of the receipts and disbursements for the year follows:

RECEIPTS

Balance received from former Treasurer	$ 18.03
Dues collected in fiscal year 1923-1924	523.00
Interest at Bank	9.52
Refund check from Pres. Mettee	97.66
Donations to Index to Legal Periodicals	1,162.58
Total	$1,810.79

DISBURSEMENTS

Andrew H. Mettee, printing Journal	$ 275.00
Newcomb & Goss, printing and stationery	23.75
Gertrude E. Wooward, work on index	775.00
Howard L. Stebbins, printing notices	3.25
Collection charges on checks	.25
Clerical hire	35.00
Balance in Rockport National Bank	698.54
Total	$1,810.79

SUMNER Y. WHEELER, *Treasurer.*

Approved July 1, 1924, Auditing Committee, Con P. Cronin, Chairman
R. H. Wilkin
W. J. Millard

REPORT OF MEMBERSHIP COMMITTEE

To the President, Officers and Members of the American Association of Law Libraries:

As chairman of the membership committee of the American Association of Law Libraries, I herewith make my report.

Agreeable to the instructions of our president, I named about twenty librarians in various parts of the country on my committee, and most of those appointed have expressed a willingness to serve and cooperate. I have corresponded more or less with the various members of the committee as to progress, and so far as I have been able to learn ten names have been sent in.

While we have made splendid gains financially, the increase in membership is slight. Your committee has been hindered in its work by two obstacles, which have been hard to overcome. First, it has been difficult to get information as to changes in and additions to library staffs throughout the country; and our not having a complete list of the membership roll has proven a handicap and has been quite unsatisfactory. In making our canvass for prospective members, we have frequently learned that many already were members, though they did not have an opportunity to attend our annual meetings.

The second and far greater obstacle has been the increase of our annual dues from $3.00 to $5.00. We felt much hesitancy in urging the taking of membership at the increased rate, and it has been difficult to convince librarians that the annual dues of $5.00 were not excessive for new members and for those librarians who never have attended or may never be able to attend our conferences, on account of limited salary which would prevent attending at their own expense.

Your committee is of the opinion that there should be different classes of membership with graded amount of annual dues. For librarians whose expenses are paid to the conference by their library, $5.00 annual dues is not excessive: but for librarians coming wholly at their own expense, and for those not privileged to attend but who out of loyalty are willing to contribute a nominal sum as dues yearly, the amount of $5.00 would seem excessive, and we would suggest that the dues for this class remain at $3.00.

We therefore recommend that the by-laws of this association be amended so as to provide for classes or grades of annual dues to conform to this suggestion.

We also recommend that the subsequent chairman of the membership committee be provided with a complete list of the members, with addresses, and as new names are sent in or changes are made, that the chairman be notified, and he in turn notify his associates on the membership committee.

We recommend that a list of members attending the annual conference, with library represented, be published in the proceedings.

We recommend that form blanks be printed for the use of the membership committee in soliciting members, thus making for uniformity and avoiding any possible misunderstanding.

Your committee is also of the opinion that a letter sent out occasionally by the president or secretary giving information as to the progress and inci-

dental events of the association, would serve to stimulate the interest of the members and tend to keep the official body of the association in personal touch with the membership.

Respectfully submitted,

A. J. SMALL, *Chairman, Membership Committee.*

Des Moines, Iowa, June 28, 1924.

REPORT OF THE COMMITTEE ON IMPROVEMENT OF THE LIST OF LAW LIBRARIES FOR THE STANDARD LEGAL DIRECTORY

To the American Association of Law Libraries:

The Committee on Improvement of the List of Law Libraries for the Standard Legal Directory begs to report that the results of its labors can be found in the 1924 issue of the Directory, beginning at page 337.

As it was left to the Chairman to fill the Committee, that became his first duty. Messrs. A. J. Small and Howard L. Stebbins of last year's Committee agreed to serve again. Miss Anna M. Ryan of Buffalo consented to help. Mr. Con P. Cronin accepted a place on the Committee and then was obliged to resign on account of illness. Miss Alice M. Magee came forward at a late date to fill this gap. Messrs. J. J. Daley and J. T. A. Smithson covered the Canadian libraries. To each and every one of the members of the Committee, the Chairman wishes to put on record herewith his grateful appreciation.

The division of the work was based upon that of last year. As three members of last year's Committee were again serving, they assumed anew the same territory they had previously covered and the new members took over each an equitable share of the balance. The *modus operandi* was again the mailing of carefully worded requests for the desired information, enclosing a reply form reducing to a minimum the trouble involved in complying with our request. As a result of being able to get the work under way at an earlier date than was possible the previous year, there was more time for "follow-up" work and this year's list contains 607 names as compared with 537 on the earlier list. There has been no meeting of the Committee, all business having been transacted by correspondence.

Several suggestions, from various sources, were considered before the Committee actually began its labors. A proposal to drop from the list all libraries having less than 5,000 volumes was not adopted by the Committee because it was felt that while it would give a more selective list, it would leave more or less territory uncovered.

A proposal to have a separate column in the list showing the "Class of Library" was also voted down on the ground that in most cases the name of the library itself shows its class and also, after all, they are all "law libraries."

Another proposition was to have a column in the printed list giving the specialty of each library. An attempt was made to do this and most of the questionnaires were drawn up with a view to eliciting this information but the replies received did not justify this step.

One suggestion which this Committee makes to its successor Committee is that the list in next year's Directory include the names of the Assistant Librarians in the large libraries, particularly of those who are members of this Association.

For those members of the Association who are fond of solving puzzles, the Committee has an excellent one to offer. The reports of number of volumes from many libraries differ widely from the figures submitted last year. When a library shows a marked falling off does it mean that an inventory has been taken during the year and that the previous figure was an estimate? Or does it mean that a drastic weeding-out process has been going on in a number of libraries? What is the explanation?

As a matter of record, it should be noted that President Mettee drew up a form of introduction with a view of using interchange of library courtesies to promote an increase in our membership. These went out with the directories through the courtesy of the company.

In closing, we wish to thank the Standard Legal Directory for publishing the list. At all stages their Mr. Pedersen was most helpful.

Respectfully submitted,

ARTHUR S. MCDANIEL, *Chairman.*

July 1, 1924.

REPORT OF THE COMMITTEE ON INDEXING CURRENT LAWS

July, 1924.

To The American Association of Law Libraries:

The Committee on Indexing Current Laws reports respectfully as follows:

Your Committee addressed the Librarian of the Library of Congress in the latter part of 1923, representing to him that in the opinion of the A. A. of L. L. such an index should be prepared both of the Federal and State Current Laws and that it would be especially advantageous should it be published from time to time at a price within the means of law and other libraries throughout the country; and representing further that the Library of Congress possesses peculiar facilities for such a work should Congress appropriate funds for the purpose.

In the report of the Librarian of Congress for 1923, at pages 124-125, Dr. Putnam states that such an index has been prepared in part at his Library and that it has proved very useful, "not only in legislative reference work, but to the many readers using the Library in State Law research work."

Dr. Putnam replied to your committee in a cordial manner, stating that the subject would be given careful consideration.

Other institutions have presented similar requests to the Library of Congress. The Pennsylvania Library Club and the Governing Board of the Law Association of Philadelphia endorsed the project. Dr. Charles E. Merriam, Department of Political Science, University of Chicago, on behalf of the Social Research Council, expressed a warm interest to Dr. Putnam in the subject and the movement has the interest, likewise, of the State Libraries Association and

the Special Libraries Association. The plan has the recommendation of the American Bar Association Journal in its number for December, 1923.

Mr. Frank Moore Colby of the New International Year Book, wrote on October 30, 1923, stating that the information that such a work would give would be of decided use to him.

As a result of the interest of the Library of Congress, itself, and of the institutions named, Mr. Meyer has prepared a careful statement to be read before the State Librarians and the Special Librarians at a joint meeting of those bodies.

In this statement prepared by Mr. Meyer, it may be seen that a digest is contemplated, probably along the lines of the work by Mr. Chamberlain in the latter's report to the American Bar Association in 1923, "Noteworthy Movements in State Law." Probably, the law libraries do not need a digest but only an index but this can be considered at Saratoga Springs. Lawyers and courts require the text of a law and an index leads to the text quite as readily as does a digest.

A petition to Congress should be recommended to the various libraries throughout the country, urging an appropriation by Congress and that the appropriation be made a continual one in order that the work may be carried on from year to year.

The Committee remain of the opinion that it is desirable that the Library of Congress should be provided with the funds necessary to enable it to issue its work at a price within the means of the libraries throughout the country. Appended to this report is a draft of a proposed Act of Congress on this subject.

Respectfully submitted,

LUTHER E. HEWITT, *Chairman.*

REPORT OF COMMITTEE ON PUBLIC DOCUMENTS

Your committee with the aid, advice, and assistance of sundry other law and state librarians, whose names are unknown to us, all laboring in a common cause, succeeded in effecting our purpose, which was to have the ruling of the Superintendent of Documents so modified as to permit us to order the bound volumes of the United States supreme court reports directly from and through the honorable house of John Byrne and Company, Washington, D.C. This privilege allowed us to have them billed in as always on the release of these reports instead of having to send on money in advance for each and every volume, or else tie up a sum of money in printing coupons.

This whole system of public documents is now in a shifting stage as to prices. More and more the free list is being abolished by Uncle Sam, and we and all other libraries and individuals are being required to pay cost of production, plus, for United States documents. Indeed, some of the states are taking up the matter of pricing their public documents.

I am of course perfectly well aware of the fact that the reports of the United States supreme court have been published for a century at least by private parties, the only public documents so favored long after most of the states had

taken charge of the publishing of their own reports. We did not expect to get them for nothing—all we wanted was to buy them, as we do all state reports, through our recognized agents.

Aside from this set, there are now appearing something like a dozen, if not more, United States official publications having the nature of reports, and force of laws, which we, as law librarians, have to buy. These are supplied, many of them, in the form known as the "numbered series,"—they used to be called "Congressional Documents"—to scores of public reference, public circulating, college, school, society, and historical libraries in the United States absolutely free. And, for the most part, they only clog the shelves of these libraries, and do nobody any good. Uncle Sam is becoming more and more thrifty in the document line, while he spends hundreds of millions on battleships and millions on poison gas.

Thanks to our good friends, our Senators and our Representatives at Washington, and to our other good friends, the state librarians, we are enabled to and do secure many documents free for our law libraries, so that really we cannot complain. In England, for instance, the series most nearly conforming to our numbered set is called "Parliamentary Papers," and these have always been sold to all libraries and individuals—no free list as I understand it. Only recently, owing to violent efforts on their part, have free public libraries, supported by taxation, been given discount on these documents.

In closing this report I may add that I see no prospect of securing any federal legislation giving law libraries free documents. All we can hope for is to buy at cost plus, as noted above, and get all else we can by good, skillful begging in each individual case.

I respectfully submit this as my first and final report, and beg to be relieved from further duties in this line.

DR. G. E. WIRE, *Chairman.*

Worcester County Law Library,
June 25, 1924.

ANNUAL REPORT OF THE COMMITTEE ON THE INDEX TO LEGAL PERIODICALS AND LAW LIBRARY JOURNAL

For the Year Ending June 30, 1924.

Your Committee began the work of the year with two purposes in view, following the instructions received at previous annual meetings of the Association.

First to take steps to raise a fund with which to pay off the deficit which had been accumulating for many years.

Second to take up the matter of a readjustment of subscription rates for the 1924 volume, so that no further deficits might accrue.

In the early part of the summer last year, we considered in detail the best method of raising the so-called "deficit fund," and on August 1, 1923, we mailed to all subscribing libraries a circular calling attention to the work the Association

had done since 1907 in publishing the Index and Journal and to the fact that the combined receipts from sales, subscriptions and annual dues had not been sufficient to meet the expenses and that the deficit was about $700. The circular further mentioned the discussions at the annual meetings in Detroit in June 1922 and at Hot Springs, Arkansas, in April, 1923, on both of which occasions, it was the unanimous opinion of the members present that the Index was one of the most useful tools in the law libraries and that it was believed that many of the libraries would be willing to make substantial payments towards wiping out the deficit, particularly in view of the fact that the existence of the Index made it unnecessary for the libraries to index in their several catalogues the very valuable original discussions of important legal points which appeared in the legal periodicals.

With the above in mind, we asked the subscribing libraries to pay the Association such amounts as they thought they could afford, not to exceed $25 for what we termed "legal periodicals—indexing service, 1907-1922."

The replies to this circular have been most gratifying. Fifty-nine subscriptions have been received, making a total of $1,162.58. The deficit as it existed at the time of the annual meeting has been paid off, and there is now on hand a balance in this fund of $347.33.

It should be borne in mind that the deficit reported in April, 1923, was as it existed at the end of the publication of the 1922 volume, and that the increases in subscription rates hereafter described, cover the 1924 volume. It was impossible to make any plan to meet the continuing high expenses during 1923, except from any balance that might be on hand in this "deficit fund." The Committee feels, therefore, that it is fitting that this balance in the fund be applied to the necessary expenses in connection with the Index and Journal.

The second matter which the Committee considered and acted upon was the readjustment of the subscriptions beginning with the volume for the year 1924, the aim being to avoid in the future so far as we could plan, an accumulation of further deficits, and at the same time keep the costs of the subscriptions as low as possible. We instructed the business manager, the H. W. Wilson Company, to get up and send out a new questionnaire to subscribing libraries for the purpose of securing revised data as to indexed periodicals taken by the several libraries, and to base the service rate charges on such data. After a sufficient number of the replies had been received to make it possible to estimate with some degree of accuracy, we were able to decide on the rates which it would be necessary to charge, and renewal bills were sent out on this new basis. It is hoped that this will make it possible for the business manager to collect not only the amount necessary to defray the mechanical costs, but also the whole or a large part of the editorial costs. If this is accomplished the publication will be placed on a self-sustaining basis.

COMMITTEE ON THE INDEX TO LEGAL PERIODICALS
AND LAW LIBRARY JOURNAL.

FRANKLIN O. POOLE
GEO. S. GODARD
E. A. FEAZEL

REPORT OF JOINT COMMITTEE ON NATIONAL LEGISLATIVE REFERENCE SERVICE

July 2, 1924

In our former reports we have called attention to the efforts which were being made by the National Association of State Libraries and the American Association of Law Libraries to formulate and establish a National Legislative Reference Service through which the several subscribers and coöperators might receive a prompt, comprehensive, systematic and reliable legislative intelligence service and at a reasonable cost. The Index to State Legislation was the result of these efforts. The publication of this Official Index to State Legislation, published under the direction of the Joint Committee on National Legislative Information Service of the National Association of State Libraries and American Association of Law Libraries, so successfully issued in 1915 and 1916, owing to the lack of support, could not be resumed. It is to be regretted that this Index, which was unique, could not be resumed, for nothing else thus far covers the same ground.

It will be remembered that this weekly cumulative index to all legislation enacted or proposed in all of the State legislatures in session, contained:

1. Under each state, a numerical list of all bills and resolutions introduced in each House, showing introduction number, date of introduction, introducer, subject, effect, and chapter number, if enacted, or legislative position at the date of publication of the current number of the Index, or at as late a date as mail transmission makes possible.

2. A classification of all bills by subjects, arranged alphabetically, and a subdivision by states.

This information was arranged so that one desiring to check any item of legislation might do so quickly and with certainty. The data which formed the basis for this weekly cumulative Index to State Legislation was furnished to the editors and compilers by officers of State Legislatures, State Legislative Bureaus, State Librarians, and other state officials. The editing and publishing was done under the direction of the Joint Committee, by the Law Reporting Company of New York City, with branches at Washington, Chicago, Kansas City, San Francisco, and New Haven.

Through this coöperative weekly index the following results were accomplished:

1. It gave prompt and authoritative information regarding all legislation and showed the legislator and attorney what matters of interest to him have been enacted or introduced in one or more states.

2. It made it possible for the legislator and attorney to ascertain promptly what particular laws and bills were of special interest to them.

3. It showed what laws were enacted in the several states, many weeks before the session laws are published.

4. It gave in the subject index of the final number for the year, a key to all state legislation of the year, a subject index found in no other publication.

It was hoped that the publication of this coöperative index to state legislation might have been resumed in the near future. It was needed by legislators, research bureaus, investigators and students, libraries, commercial organizations, and all others interested in legislative action in the several states who desire prompt knowledge of movements looking towards proposed changes in social, economic and correctional matters.

This service, the publication of which was interrupted largely by war conditions, was proposed at the Lake Minnetonka Conference in 1908, and has been developed under the following committee:

George S. Godard, State Librarian of Connecticut, Chairman.
F. O. Poole, Librarian, Association of the Bar of New York City, Secretary.
Charles F. D. Belden, State Librarian of Massachusetts.
Herbert O. Brigham, State Librarian of Rhode Island.
John A. Lapp, Director, Indiana Bureau of Legislative Information.
A. J. Small, Librarian, Law and Legislative Reference Department, Iowa State Library.

The Committee on Commercial Information Service of the Special Libraries Association of which one of our associates, Edward H. Redstone, State Librarian of Massachusetts, is president, has just published a Handbook of Commercial Information Services of 97 pages filled with useful information along these lines, and the fact that there is now a probability that there may be a service along these lines rendered through the Library of Congress, leads your committee on National Legislative Information Service to recommend that for the present the committee be continued, in order that any incipient possibilities now extant may be utilized if advisable. It is always darkest just before dawn.

(Signed) GEO. S. GODARD, *Chairman.*